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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-57

13 **JANICE ELAINE WOOD,**
14 **a.k.a. JANICE WOOD NELSON**
15 **38240 S. Mountain Site Drive**
16 **Tucson, AZ 85739**

ACCUSATION

17 **Registered Nurse License No. 319673**

18 **Respondent.**

19 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Executive
22 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

23 2. On or about August 31, 1980, the Board issued Registered Nurse License
24 Number 319673 ("license") to Janice Elaine Wood, also known as Janice Wood Nelson
25 ("Respondent"). The license expired on July 31, 1982, and has not been renewed.

26 **JURISDICTION**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license.

6 STATUTORY PROVISIONS

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed nurse or
9 deny an application for a certificate or license for the following:

10 (a) Unprofessional conduct.

11 (4) Denial of licensure, revocation, suspension, restriction, or any other
12 disciplinary action against a health care professional license or certificate by another
13 state or territory of the United States, by any other government agency, or by another
14 California health care professional licensing board. A certified copy of the decision
15 or judgment shall be conclusive evidence of that action.

14 COST RECOVERY

15 6. Code section 125.3 provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licensee found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 FIRST CAUSE FOR DISCIPLINE

20 (Out-of-State Discipline)

21 7. Respondent is subject to discipline under Code section 2761(a)(4), in that effective
22 October 4, 2010, pursuant to an Order issued by the Arizona State Board of Nursing, in a
23 disciplinary proceeding titled, *In the Matter of Registered Nurse License No. RN045858 Issued to*
24 *Janice Wood Nelson*, Respondent's registered nursing license number RN045858, was revoked.
25 However, the revocation was stayed, and Respondent was placed on probation for 12 months with
26 terms and conditions including psychiatric and psychological treatment, a rehabilitation program,
27 drug testing, and participation in AA/NA, followed by standard probation for 24-months. The
28 Order was based on numerous Findings of Fact, including the following: 1) On or about

1 November 11, 2009, Respondent tested positive for Nordiazepam, Oxazepam, and Temazepam
2 without having a valid prescription; 2) On or about April 26, 2010, Respondent told the Board
3 that she was diagnosed with depression and "relapsed" by drinking a glass of whiskey a day for
4 approximately two weeks before seeking treatment; and 3) On or about April 22, 2010,
5 Respondent reported enrolling in an intensive outpatient treatment program at Sonora Behavioral
6 Health Chemical Dependency. The Order is attached hereto as **Exhibit A** and incorporated
7 herein by reference.

8 **PRAYER**

9 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 319673, issued to Janice
12 Elaine Wood, also known as Janice Wood Nelson;
- 13 2. Ordering Janice Elaine Wood, also known as Janice Wood Nelson, to pay the Board
14 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,
15 pursuant to Code section 125.3; and,
- 16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: July 25, 2011

for Stacy Ber
LOUISE R. BAILEY, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit A
Consent Agreement and Order No. 0911048

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF REGISTERED NURSE
LICENSE NO. RN045858
ISSUED TO:

JANICE WOOD NELSON
SPONDENT

CONSENT AGREEMENT
AND
ORDER NO. 0911048

CONSENT AGREEMENT AND ORDER

A complaint charging Janice Wood Nelson ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F)(5), the undersigned parties enter into this Consent Agreement and Order ("Order") as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued registered nurse license no. RN045858.
2. On November 23, 2009 Respondent self-reported to the Board and on or about December 18, 2009, a complaint was received from Valerie Leviton, RN, Director of Nursing, Cottonwood de Tucson that Respondent submitted a positive for cause urine drug screen. Based on this information the Board conducted an investigation.
3. On November 23, 2009 Respondent self-reported to the Board that she had mistakenly taken her mother's medication on or about November 8, 2009, when she was sick with the flu.
4. From on or about July 2006 until in or about November 2009, Respondent was employed as a registered nurse at Cottonwood de Tucson in Cottonwood, Arizona.

5. According to Valerie Leviton, RN, Director of Nursing, Cottonwood De Tucson, on or about November 11, 2009, Respondent fell on the premises her assigned shift was completed. Respondent was required to submit a urine drug screen. The results of the drug screen were reported as positive for Nordiazepam, Oxazepam and Temazepam for which Respondent did not have a valid prescription.

6. On April 26, 2010 Respondent was interviewed telephonically by Board staff. Respondent informed Board staff that she was diagnosed with depression and hyperthyroidism and "relapsed" by drinking a glass of whiskey a day for approximately two weeks before seeking treatment.

7. On or about April 22, 2010, Respondent reported enrolling into Intensive Outpatient Treatment (IOP) at Sonora Behavioral Health Chemical Dependency program on or about April 22, 2010.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-1663 (D) as defined in A.R.S. § 32-1601(18) (d) (Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public); (g) (Willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter); (h) (Committing an act that deceives, defrauds or harms the public) and (j) (Violating a rule that is adopted by the board pursuant to this chapter) (effective October 14, 2009), specifically the following:

- A.A.C. § R4-19-403 (17) (A pattern of using or being under the influence of alcohol, drugs, or a similar substance to the extent that judgment may be impaired

and nursing practice detrimentally affected, or while on duty in any health care facility, school, institution, or other work location) (effective February 2, 2009).

- A.A.C. § R4-19-403(31) (Practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed) (effective February 2, 2009).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take disciplinary action against the license of Respondent to practice as a registered nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal, or judicial review relating to the Order, except in the limited circumstance(s) specified in paragraph 27 of this Order.

Respondent understands the right to consult legal counsel prior to entering into the Order and such consultation has either been obtained or is waived.

Respondent understands that the term "Order" used throughout this document refers to all pages of the document including Findings of Fact, Conclusions of Law and all probationary terms and conditions and paragraphs of the Order.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

Janice Wood Nelson
Janice Wood Nelson-Respondent
Dated: Oct. 4, 2010

SEAL

ARIZONA STATE BOARD OF NURSING

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: July 22, 2010

SNelson/RN045858/Nelson

ORDER

In view of the above Findings of Fact, Conclusions of Law and consent of Respondent, the Board hereby issues the following Order:

A. Respondent's registered nurse license number RN045858 is hereby **revoked**; however, the **revocation is stayed** for as long as Respondent remains in compliance with this Order. During the stay of the revocation, Respondent's registered nurse license number RN045858 is placed on probation for 12-months with terms and conditions, followed by probation for 24-months. Before termination of this Order, Respondent shall work as a registered nurse for a minimum of 12-months (not less than sixteen hours a week).

B. If Respondent is non-compliant with any of the terms of the Order during the 12-month stayed revocation period, the stay of the revocation shall be lifted and Respondent's license shall be automatically revoked for a minimum period of 5 years. Except as provided

identified in paragraph 27, Respondent waives any and all rights to any further review, hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

C. If Respondent is noncompliant with any of the terms of the Order during the twenty-four month standard probation portion of the Order, Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent's nursing license.

D. At any time Respondent is required by terms of the Order to provide a copy of the Order to another individual or facility the Respondent must provide all pages of the Consent Agreement and Order.

E. If Respondent is convicted of a felony, Respondent's license shall be automatically revoked for a period of five years. Respondent waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

F. The probation is subject to the following terms and conditions:

TERMS OF PROBATION (Stayed and Non-Stayed Revocation)

1. Stamping of License

Within seven days of the effective date of this Order, Respondent shall submit her license to be stamped "PROBATION." While this Order is in effect, if the Board issues any certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped "PROBATION." Respondent is not eligible for a multistate "Compact" license.

2. Psychiatric Treatment

While this Order is in effect, Respondent shall continue to undergo psychiatric counseling and treatment. Respondent shall execute the appropriate release of information forms to allow the treatment professional to communicate information concerning Respondent's

treatment to the Board or its designee. Respondent shall also immediately provide a copy of the entire Consent Agreement to the treatment professional. Within thirty days of the effective date of this Order, Respondent shall cause the treatment professional(s) to provide a report to the Board verifying receipt of the consent agreement, and summarizing Respondent's treatment to date including Respondent's diagnosis, any prescribed medication, recommendations for ongoing treatment. Thereafter, Respondent shall cause the treatment professional(s) to provide on Board approved forms, quarterly reports according the assigned reporting dates throughout the term of the agreement. Respondent shall continue to participate in treatment until the Board is notified in writing by the treatment professional(s) that treatment is no longer necessary. The Board reserves the right to amend the Order based on the recommendations of the treatment professional(s).

3. Psychological Counseling

While this Order is in effect, Respondent shall continue to undergo psychological counseling and treatment. Respondent shall execute the appropriate release of information forms to allow the treatment professional to communicate information concerning Respondent's treatment to the Board or its designee. Respondent shall also immediately provide a copy of the entire Consent Agreement to the treatment professional. Within thirty days of the effective date of this Order, Respondent shall cause the treatment professional(s) to provide a report to the Board verifying receipt of the consent agreement, and summarizing Respondent's treatment to date including Respondent's diagnosis, any prescribed medication, recommendations for ongoing treatment. Thereafter, Respondent shall cause the treatment professional(s) to provide on Board approved forms, quarterly reports according the assigned reporting dates throughout the term of the agreement. Respondent shall continue to participate in treatment until the Board is notified in writing by the treatment professional(s) that treatment is no longer necessary. The Board

reserves the right to amend the Order based on the recommendations of the treatment professional(s).

4. Rehabilitation Program

Within seven days of the effective date of this Order, Respondent shall enter and successfully complete a State licensed chemical dependency rehabilitation program. Upon entry, Respondent shall sign release of information forms allowing the program to inform the Board of Respondent's entry, progress in and discharge or termination from the program. Within seven days of the completion of the program, Respondent shall cause the program director to provide the Board with documentation confirming Respondent's completion of the program and treatment recommendations. The Board or its designee may amend this Order based on the treatment programs recommendations.

5. Aftercare Program

Within seven days of completing a chemical dependency rehabilitation program, Respondent shall enroll in and successfully complete a state licensed chemical rehabilitation aftercare program. Upon entry, Respondent shall sign release of information forms allowing the program to inform the Board of Respondent's entry, progress in and discharge or termination from the program. Respondent shall cause the program to provide to the Board, in writing and on the Board-approved form, evidence of satisfactory progress in the program, as well as discharge or termination from the program. Such reports are due beginning on the first quarterly reporting date after entry into the program and quarterly thereafter according to schedule, until completion of the aftercare program. Within seven days of the completion of the program, Respondent shall cause the program director to provide the Board with documentation confirming Respondent's completion of the program and any additional treatment recommendations.

6. Relapse Prevention Therapy

Within seven days of the completion of Aftercare, Respondent shall enter a Board approved Relapse Prevention Therapy Program. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information to the Board or its designee, and Respondent shall immediately provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law to the facilitator.

Within seven days of entering treatment, Respondent shall cause the facilitator to submit to the Board written verification of Respondent's enrollment in the Program, and verification of receipt of Respondent's entire Consent Agreement. Thereafter, Respondent shall cause the facilitator to provide quarterly reports to the Board according to the quarterly reporting schedule assigned to Respondent. Respondent shall continue undergoing treatment until the facilitator provides written notification to the Board, indicating that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professional(s).

7. Nurse Recovery Group

Within seven days of the completion of a Rehabilitation Program, Respondent shall enroll in a Board-acceptable Nurse Recovery Group if a group is available within forty miles. Respondent shall sign release of information forms allowing the group facilitator to inform the Board, in writing and on letterhead, of Respondent's entry and progress in the group. Respondent shall attend a Nurse Recovery Group once per week and have no "Unexcused" absences or "No call/No show" occurrences.

8. Participation in AA/NA

(a) Beginning no later than seven days of the effective date of this Order, Respondent will attend a minimum of one AA/NA meeting per day for ninety days. Thereafter, and throughout the term of this Order, Respondent shall participate at least three times weekly, or as

recommended by the Rehabilitation Program, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall submit to the Board, in writing on Board-approved forms, quarterly reports which are initialed by her sponsor. The first report is due by the end of the first month after the effective date of the Order, and quarterly thereafter according to the assigned reporting dates.

(b) Respondent shall obtain a temporary sponsor, if participating in a twelve-step program, within thirty days of the effective date of this Order and a permanent sponsor within sixty to ninety days. Respondent shall maintain a sponsor relationship throughout the terms of this Order.

9. Drug Testing

Within seven days of the effective date of this Order, and throughout the term of this Order, Respondent shall remain enrolled in a program that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of twice per month, for a period of six months, thereafter, a minimum of once per month, and may be required more frequently as requested by the Board or its designee. Respondent shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within seven days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. Otherwise failing to submit to a drug test on a day when a drug test has been requested by the Board, its designee, or the laboratory will constitute noncompliance with this Order, NOT subject to further review. A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Respondent's employer by the Board. However, any

occurrence of the following constitutes noncompliance with this Order, subject to further review if contested in writing by Respondent: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised as indicated by the presence of adulterants; or submission of a urine sample that is below the acceptable volume or temperature to be tested. If contested by Respondent, Respondent shall, within five days of being notified of the noncompliance, submit a written request for further review and the reason(s) for contesting the results. If so contested, the noncompliance shall be investigated by Board staff and reviewed and substantiated by the Board's designee, to include a written verification attesting to the validity and reliability of Respondent's drug screening results from the Toxicologist or Medical Review Officer affiliated with the drug screening laboratory. If so investigated, reviewed, substantiated and verified, the stay of revocation shall be lifted and Respondent's license automatically revoked, NOT subject to further review.

10. Abstain from Alcohol Use

Respondent shall completely abstain from the use of alcohol.

11. Abstain from Unauthorized Drug Use/Proof of Prescription

Respondent shall completely abstain from the use or possession of controlled substances, and dangerous drugs as defined by law, or any drugs requiring a prescription.

Orders prohibiting Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for an illness or condition by a medical provider. During the duration of this Order, Respondent shall select one medical provider to coordinate her health care needs and to be aware of all prescriptions utilized. Within seven days of the effective date of this Order, Respondent shall cause all medical providers who have prescribed medications which are currently being used by

the Respondent daily or on an as needed basis to provide in writing, on letterhead, verification of knowledge of Respondent's history of substance use, awareness of Respondent's Consent Agreement and Order with the Board, and documentation of current medications prescribed for Respondent. Respondent shall execute all release of information form(s) as required by the Board or its designee so that Respondent's medical providers shall be able to communicate information with the Board. Prior to receiving treatment from any other medical provider(s), Respondent shall notify the medical provider(s) of Respondent's history of substance use and of the existence of the Order. DURING THE COURSE OF THE ORDER RESPONDENT SHALL CAUSE ANY AND ALL PROVIDERS TO NOTIFY THE BOARD OF THEIR AWARENESS OF RESPONDENT'S HISTORY OF SUBSTANCE USE, BOARD ORDER, AND NOTIFICATION OF ANY MEDICATIONS ORDERED BY THE PROVIDER. THE NOTIFICATION SHALL BE MADE IN WRITING WITHIN ONE WEEK OF THE PROVIDER'S ISSUANCE OF THE PRESCRIPTION.

If Respondent has a lawful prescription for a controlled substance, Respondent shall cause her prescribing provider to provide monthly reports to the Board regarding the continued need for the prescribed narcotic or mood-altering medications within seven days of the thirtieth day of each month. The Board or its designee may, at any time, request the provider to document the continued need for prescribed medications. Such report from the provider shall be received by the Board within fourteen days of the request. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board or its designee.

12. Pharmacy Profiles

Throughout the duration of this Order, Respondent shall use only one pharmacy from which to obtain his prescriptions. Within thirty days of the effective date of the Consent

Agreement, Respondent shall submit in writing to the Board the name of every pharmacy and/or facility from which Respondent is currently obtaining prescription medications, and shall submit the name of the pharmacy from which she chooses to obtain future prescriptions. Throughout the duration of the Order, Respondent must inform the Board in writing within seven days of any additions or changes in pharmacies from which Respondent obtains medications. Respondent shall submit a copy of all pharmacy profiles to the Board on a quarterly basis according to the assigned reporting due dates, and upon request from the Board or its designee. The first report shall be due on the first quarterly due date after the effective date of this Order.

13. Relapse Prevention Evaluation

Eighteen months prior to the termination of the Order or as requested by the Board or its designee, Respondent shall be evaluated by a relapse prevention therapist, who is at minimum, Master's prepared. Respondent shall comply with any treatment recommendations as recommended by the relapse prevention evaluator.

If recommended by the evaluator, Respondent shall enroll in a relapse prevention program or other recommended therapy within thirtieth days of being notified by the Board or its designee of the recommendations from the evaluator. Respondent shall cause the program facilitator to inform the Board, in writing and on letterhead, verification of enrollment in the program. Prior to entry into a relapse prevention program or any type of other recommended therapy, Respondent shall provide a copy of this Consent Agreement and Order to the program facilitator. Respondent shall sign release of information form(s) to allow the facilitator to communicate information with the Board or its designee. Respondent shall participate in the relapse prevention program or therapy until the Board receives written verification from the facilitator that Respondent has successfully completed the program. During participation in the program, Respondent shall cause the program facilitator to provide to the Board, in writing on

Board-approved forms, evidence of satisfactory attendance, participation, discharge, and successful completion of the program. Reports are due on the first quarterly reporting date after entry into the relapse prevention program and quarterly thereafter, according to schedule.

Violation of this paragraph is noncompliance with the Order.

14. Notification of Practice Settings

Any setting in which Respondent accepts employment, which requires nurse licensure, shall be provided with a copy of the entire Order on or before the date of hire. Within three calendar days of Respondent's date of hire, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the entire Consent Agreement and Order to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Consent Agreement and Order and the program's ability to comply with the conditions of probation during clinical experiences.

15. Quarterly Reports

Within thirty days of the effective date of this Order, and monthly for the first six months during the probationary period, Respondent shall cause every employer Respondent has worked for during the six months to submit to the Board, in writing, employer evaluations on the Board-approved form. In the event Respondent is not employed in nursing or attending school during any quarter or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities on the Board-approved form.

After the initial six months of the probationary period, Respondent shall cause every employer Respondent has worked for to submit to the Board, in writing, quarterly employer evaluations on the Board-approved form.

Receipt of confirmation of employment disciplinary action, including written counseling(s), suspension, termination or resignation in lieu of termination from a place of employment, any of which pertains to improper patient care, unsafe practice, inappropriate medication removal or administration, sub-standard documentation, or impairment on duty, positive drug test showing evidence of any drug other than an authorized drug, and/or refusal to submit to an employer requested drug screen/testing, shall be investigated by Board staff and reviewed and substantiated by the Board's designee. If so investigated, reviewed and substantiated, the employment disciplinary action shall be considered as noncompliance with the terms of the Order, and the stay of revocation shall be lifted and Respondent's license automatically revoked. If Respondent contests the lifting of the stay as it relates to this paragraph, Respondent shall request in writing, within ten days of being notified of the automatic revocation of licensure, that the matter be placed on the Board agenda for the Board to review and determine if the automatic revocation of Respondent's license was supported by substantial evidence. If the written request is received within ten days of a regularly scheduled Board meeting, the request will NOT be heard at that meeting, but will be heard at the NEXT regularly scheduled Board meeting. Pending the Board's review, Respondent's license shall be reported as revoked – under review. Respondent may not work in any capacity involving nursing licensure pending the Board's review. The Board's decision and Order shall not be subject to further review.

Failure to provide employer evaluations or if not working in nursing, self-reports, within seven days of the reporting date is non-compliance with this Order and is not subject to further review.

16. Practice Under On-Site Supervision

Respondent shall practice as a registered nurse or in a student nurse capacity, only under the on-site supervision of a registered nurse in good standing with the Board. On-site supervision is defined as having a registered nurse present in the building while Respondent is on duty. The supervising nurse shall have read this Consent Agreement and Order and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified registered nurses who shall also have read this Consent Agreement and Order. In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledging the new supervisor's receipt of a copy of this Consent Agreement and Order and the new supervising nurse's ability to comply with the conditions of probation within ten days of assignment of a new supervising nurse.

17. Acceptable Hours of Work

Respondent shall work only the day or evening shift. Evening shift is defined as a shift that ends prior to midnight. Within a fourteen day period Respondent shall not work more than eighty-four scheduled hours.

Respondent may work three twelve-hour shifts in one seven day period and four twelve-hour shifts in the other seven-day period, but Respondent may not work more than three consecutive twelve-hour shifts during this probationary period. Respondent shall not work two

consecutive eight hour shifts within a twenty- four hour period or be scheduled to work sixteen hours within a twenty-four hour period.

18. Registry Work Prohibited

Respondent may not work for a nurse's registry, home health, traveling nurse agency, any other temporary employing agencies, float pool, or position that requires on-call status.

19. Out of State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, the Board must first approve out-of-state practice or residence.

20. Release of Information Forms

Respondent shall sign all release of information forms as required by the Board or its designee and return them to the Board within ten days of the Board's written request. Failure to provide for the release of information, as required by this paragraph constitutes non-compliance with this Order.

21. Interview with the Board or it's Designee

Respondent shall appear in person or if residing out of state, telephonically for interviews with the Board or its designee upon request and with at least two days notice.

22. Renewal of License

If Respondent's registered nursing is expired at the time of the effective date of the Consent Agreement and Order, Respondent must renew the license within seven days of the effective date. In the event the registered license is scheduled to expire during the duration of this Order, Respondent shall apply for renewal of the registered license and pay the applicable fee before the expiration date. Failure to renew within seven days of the effective date of this Order, if it is expired, or failure to renew a license by the last date in which the license is to expire, shall be considered as noncompliance.

23. Change of Employment/Personal Address/Telephone Number

Respondent shall notify the Board, in writing, within seven days of any change in nursing employment, personal address or telephone number. Changes in nursing employment include the acceptance, resignation or termination of employment.

24. Obey All Laws

Respondent shall obey all laws/rules governing the practice of nursing in this state and obey all federal, state and local criminal laws. Respondent shall report to the Board, within 10 days, any misdemeanor or felony arrest or conviction.

25. Costs

Respondent shall bear all costs of complying with this Order.

26. Voluntary Surrender of License

Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

27. Violation of Probation

If during the stayed revocation portion of the Order Respondent is non-compliant with the terms of the Order in any way, the stay of revocation shall be lifted and Respondent's license shall be automatically revoked. If during the standard probation portion of the Order Respondent is noncompliant with the terms of the Order in any respect, the Board staff may notify the Respondent's employer of the non-compliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Consent Agreement and Order after affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

28. Completion of Order

When Respondent has nine months left in the probationary period, Respondent's compliance will be reviewed by the Board's designee. If Respondent has demonstrated full compliance with all terms of the Order, Respondent will be eligible to participate in a "stepdown" component of the Order where reports from AA and Nurse Recovery Group will no longer be required, and Respondent shall submit to "on-call" urine drug screens as requested by the Board or its designee.

Respondent is not eligible for early termination of this Order. Upon successful completion of the Order, Respondent shall request formal review by the Board, and after formal review by the Board, Respondent's nursing license may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

SEAL

ARIZONA STATE BOARD OF NURSING

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: July 22, 2010

JR/sn:ts

COPY mailed this 12th day of August, 2010, by First Class Mail, to:

Janice Wood Nelson
38240 S Mountain Site Dr
Tucson, AZ 85739

By: Trina Smith
Legal Secretary

RECEIVED
2010 OCT 12 AM 8:41
BOARD OF
REGISTERED NURSING
SACRAMENTO

EXECUTED SEALED COPIES mailed this 8th day of October, 2010, by First Class Mail, to:
Janice Wood Nelson
38240 S Mountain Site Dr
Tucson, AZ 85739

By: Trina Smith
Legal Secretary